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BEFORE THE ARIZONA CORPORATION

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**COMMISSIONERS**

2006 JUN 12 P 4: 45

JEFF HATCH-MILLER – Chairman  
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KRISTIN K. MAYES

AZ CORP COMMISSION  
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Arizona Corporation Commission

**DOCKETED**

JUN 12 2006

DOCKETED BY

RB

IN THE MATTER OF THE APPLICATION OF  
ARIZONA WATER COMPANY, AN ARIZONA  
CORPORATION, TO EXTEND ITS EXISTING  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY IN THE CITY OF CASA GRANDE  
AND IN PINAL COUNTY, ARIZONA

**DOCKET NO. W-01445A-06-0199**

IN THE MATTER OF THE APPLICATION OF  
PALO VERDE UTILITIES COMPANY FOR AN  
EXTENSION OF ITS EXISTING CERTIFICATE  
OF CONVENIENCE AND NECESSITY.

**DOCKET NO. SW-03575A-05-0926**

IN THE MATTER OF THE APPLICATION OF  
SANTA CRUZ WATER COMPANY FOR AN  
EXTENSION OF ITS EXISTING CERTIFICATE  
OF CONVENIENCE AND NECESSITY.

**DOCKET NO. W-03576A-05-0926**

**REPLY IN SUPPORT OF  
MOTION TO INTERVENE  
OF**

**RIDGEVIEW UTILITY COMPANY,  
PICACHO WATER COMPANY,  
LAGO DEL ORO WATER  
COMPANY, AND SANTA ROSA  
WATER COMPANY**

Petitioners Ridgeview Utility Company, Picacho Water Company, Lago Del Oro Water Company and Santa Rosa Water Company (collectively, the "Robson Utilities") submit this reply in support of their Motion to Intervene, which was filed May 18, 2006.

**I. Staff's Objection Is Untimely.**

In the absence of a Commission rule or procedural order setting forth procedural deadlines, the Arizona Rules of Civil Procedure shall govern. *A.A.C. R13-3-101(A), 106(K)*. The Commission does not have a specific rule that sets forth timeframes for responding to motions to intervene. There is also no procedural order in this proceeding that sets forth any

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1 timeframe relating to motions to intervene. Thus, pursuant to A.A.C. R13-3-101(A) and 106(K),  
2 Rules 6(a) and 7.1(a) of the Arizona Rules of Civil Procedure govern the timeframes for  
3 responses to motions to intervene.

4 According to Rule 7.1(a), responses to motions to intervene must be filed within 10 days  
5 of the filing date of the motion to intervene. Rule 6(a) provides that weekends and legal holidays  
6 should not be included when computing a 10 day time period. To comply with Rules 6(a) and  
7 7.1(a), objections to the Robson Utilities' Motion to Intervene should have been filed by June 2,  
8 2006. Utilities Division Staff ("Staff") filed its Objection to the Robson Utilities' Motion to  
9 Intervene after the deadline on June 7, 2006. Staff did not explain its failure to timely file its  
10 objection. Because Staff's objection was not timely filed, it should not be considered by the  
11 Administrative Law Judge.

## 12 **II. No Other Party Objects to Intervention.**

13 No other party in this proceeding has objected to the Robson Utilities' Motion to  
14 Intervene. Global Water Resources, LLC ("Global"), in fact, filed a response in support of the  
15 Motion to Intervene. Arizona Water Company ("AWC") does not oppose the Motion to  
16 Intervene and has positively acknowledged the Robson Utilities' participation in this proceeding  
17 in another docket. Specifically, AWC opposed intervention of the Robson Utilities in another  
18 docket involving a different AWC certificate of convenience and necessity ("CC&N") extension  
19 request. *See AWC's Objection to Motion to Intervene (May 30, 2006) (Docket No. T-01445A-06-*  
20 *0059)*. In opposing intervention in that other docket, AWC stated that the Robson Utilities would  
21 not be prejudiced because they are raising the same issues in this proceeding. *Id. at 4*. Because  
22 the applicants in this proceeding welcome or do not oppose the participation of the Robson  
23 Utilities in this docket, this should be weighed in favor of granting intervention.

## 24 **III. Robson Utilities' Motion Does Not Unduly Broaden the Issues in this Proceeding.**

25 The Robson Utilities are not seeking to broaden the issues in this proceeding. To the  
26 contrary, the Robson Utilities intentionally limited its Motion to Intervene to the issues that have  
27 already been raised in this proceeding. Specifically, the Robson Utilities identified the following  
28 reasons supporting their participation in this docket:

1 (1) The Robson Utilities have a direct interest in the application of the Commission's  
2 policies, decisions, and rules relating to the approval of CC&N extensions to areas where there  
3 are no requests for service;

4 (2) The Robson Utilities expect to receive requests for service in the proposed CC&N  
5 extension area as property within that area develops, but will be forever precluded from serving in  
6 the proposed extension area if the Commission grants the CC&N extension to AWC;

7 (3) Approval of AWC's CC&N extension may establish precedent that modifies the  
8 Commission's policy of requiring requests for service before an extension to a CC&N is granted,  
9 which directly impacts the Robson Utilities as regulated water providers in the areas of Pinal  
10 County where AWC serves; and

11 (4) Since AWC's request only addresses water service and not sewer service, property  
12 owners within AWC's CC&N extension area may find it difficult or even impossible to find a  
13 stand-alone sewer provider to serve their property if AWC's request is granted without  
14 consideration of a sewer provider.

15 The issues outlined above do not unduly broaden the issues in this docket, but go to the  
16 very core of the analysis that must be performed by the Commission before granting AWC's  
17 requested CC&N extension (whether the Robson Utilities participate or not). Contrary to Staff's  
18 assertion, the Robson Utilities are not seeking to make this proceeding "into a comparison  
19 between competing water providers," and there is nothing in the Motion to Intervene which  
20 suggests that intention. Rather, the issues raised by the Robson Utilities are legitimate concerns  
21 which directly impact the Robson Utilities. Thus, the Robson Utilities respectfully request that  
22 the Commission grant their Motion to Intervene in this proceeding.

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1 DATED this 12th day of June, 2006.

2 SNELL & WILMER

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12 Lago Del Oro Water Company, and  
13 Santa Rosa Water Company

11 ORIGINAL and seventeen (17) copies  
12 filed with Docket Control this 12th  
13 day of June, 2006.

13 COPY of the foregoing hand-delivered  
14 this 12th day of June, 2006, to:

15 Yvette B. Kinsey, Chief Administrative Law Judge  
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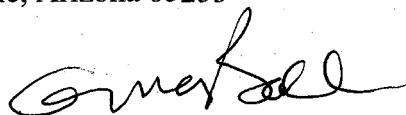
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